

STORM WATER ENFORCEMENT

1. PURPOSE

- a. Develop standard escalating enforcement procedures to minimize the occurrence of and obtain compliance from violators.

2. ENFORCEMENT ACTION DEFINITIONS

- a. **SWPPP Corrective Action Notice** – A formal notice using the SWPPP Compliance Inspection Form that informs a contractor of the status of compliance with State permit regulation or City ordinance/code. It is used to inform the contractor of any violations and demands items be corrected according to a schedule defined by the inspector.

- b. **Warning Notice** – A formal notice that informs a person, business, or other entity that requirements of any of the following have been violated:

- Title 13 – Streets and Public Improvements
- Title 17 – Storm Water Ordinance
- Land Development Code
- Jordan Valley Municipalities Permit (No. UTS000001)
- Utah General Construction Permit (No. UTRC00000)
- Salt Lake County Code of Ordinances

Generally, a Warning Notice is issued after educating and following up with the person, business, or other entity, or after a SWPPP Corrective Action Notice has been issued, and the violation is not adequately addressed. A warning notice demands that activities causing the violations cease and be corrected according to a schedule defined by the inspector.

- c. **Notice of Violation (NOV)** – A formal non-criminal and non-monetary notice that informs a person, business, or other entity that requirements of the State permit or City ordinance/code has been violated. Generally an NOV is issued after a Warning Notice is disregarded, as documented by the inspector. The NOV demands that activities causing the violations cease and be corrected, including restitution for damages, according to a schedule defined by the inspector.
- d. **Administrative Order (AO)** – An action that prohibits forward progression of a project that is non-compliant with State permit regulation or City ordinance/code. AOs may include but are not limited to holding of inspections or permits to do work, shutting off services, etc. Generally, an AO is ordered after an NOV has been disregarded, as documented by the inspector.
- e. **Stop Work Order (SWO)** – A formal notice that informs a person, business, or other entity that requirements of the State permit or City ordinance/code has been violated and demands that the entire project cease. However, all unsafe conditions, pollution control

BMPs, any disruption to the Right-of-Way or any affected private property be restored to acceptable use prior to leaving the project site. Generally, an SWO is issued after an NOV continues to be disregarded. The SWO is typically issued with a Citation when a significant environmental concern or chronic noncompliance exist. The SWO may revoke all City permits and hold any contracts held with the City. The SWO may remain in effect until the Citation is served and the required corrective actions have been completed.

- f. **Citation** – A formal notice that informs a person, business, or other entity that requirements of the State permit or City ordinance/code has been violated and serves notice of possible fines and criminal charges. Generally, a Citation is issued after an NOV has been issued. However, a Citation may be issued without prior warning for violations that have a significant impact on water quality, pose physical hazard or public nuisance. A Citation may be issued for each violation, each day the site is in violation. A citation may be issued by the Police Department and Code Enforcement.

3. CONSTRUCTION ENFORCEMENT

- a. The inspector is to communicate (verbal, email, letter, etc.) with the Contractor regularly through the permit term to achieve understanding of the State permit regulation and City ordinance/code requirements. Generally, all communication is to be recorded on the second page of the SWPPP Compliance Inspection Form for UPDES permitted projects and in the project file for non UPDES permit projects.
- b. SWPPP Corrective Action Notice is provided to the Contractor using the SWPPP Compliance Inspection Form for UPDES permitted projects and via email or letter for non UPDES permit projects. The notice should include correction deadlines. The notice can include language that informs and educates if it is effective at correcting the violations.
- c. The inspector is to follow up and communicate with the Contractor to confirm that Corrective Action Notice items have been addressed. The inspector should evaluate understanding or expected understanding and issue a Warning Notice (via letter or email) as necessary. The Warning Notice should include correction deadlines and a warning that if not addressed adequately, further enforcement may be required including but not limited to NOV, AO, SWO, and Citation.
- d. Generally, ample warning and communication should occur prior to issuing further enforcement actions. If the Contractor continues to disregard warnings and communications, the inspector should generally exercise the use of non criminal enforcement actions, including but not limited to NOVs, AOs, and SWOs in this order, to obtain compliance and the restitution of damages. If non-compliance and damages continue, Citations that can result in a criminal record may be exercised. However, immediate enforcement may be applied for violations that are severe, including but not limited to intentional dumping of material that will do harm or allowing of this material to contaminate by neglect.
- e. Per the Memorandum of Understanding (MOU) between Salt Lake County (SLCo) and Sandy City, the Salt Lake County Health Department (SLCoHD) is to be contacted for any incidents involving spills, releases or the discharge of pollutants, contaminants, or wastes into the waterways or drainage system. SLCoHD will respond and investigate

the incident, work with the responsible party to ensure the spill and/or discharge are remediated, and initiate appropriate enforcement actions as needed.

4. INCIDENT ENFORCEMENT

- a. For storm water pollution incidents relating to minor construction related staging activities, nuisance material in right-of-way, landscaping projects, post-construction storm water maintenance agreement violations, illicit discharges, etc. the inspector is to verbally communicate with and inform the violator of laws, ordinances, code, and any other concerns. Generally, a deadline will be given to correct the violation.
- b. The inspector is to follow up and communicate with the violator to confirm that the violation has been corrected. The inspector should evaluate understanding or expected understanding and issue a Warning Notice (via letter or email) as necessary. The Warning Notice should include correction deadlines and a warning that if not addressed adequately, further enforcement may be required including but not limited to NOV and Citation.
- c. Generally, ample warning and communication should occur prior to issuing further enforcement actions. If the violator continues to disregard warnings and communications, the inspector should generally exercise the use of an NOV (non criminal enforcement action) to obtain compliance and the restitution of damages. If non-compliance and damages continue, Citations that can result in a criminal record may be exercised. However, immediate enforcement may be applied for violations that are severe, including but not limited to intentional dumping of material that will do harm or allowing of this material to contaminate by neglect.
- d. Per the MOU between SLCo and Sandy City, the SLCoHD is to be contacted for any incidents involving spills, releases or the discharge of pollutants, contaminants, or wastes into the waterways or drainage system. SLCoHD will respond and investigate the incident, work with the responsible party to ensure the spill and/or discharge are remediated, and initiate appropriate enforcement actions as needed.

5. DOCUMENTATION

- a. Documentation of all enforcement shall be completed as indicated above.
- b. Records of enforcement shall be kept for 5 years or until construction is completed, whichever is longer.